

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1831

AN ACT

To repeal sections 210.027 and 210.211, RSMo, and to enact in lieu thereof two new sections relating to child care facilities, with a contingent effective date for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 210.027 and 210.211, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.027 and 210.211, to read as follows:

210.027. 1. For child-care providers who receive state or federal [funds] fee assistance for providing child-care services [in the home] either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;

1 (2) Establish or designate one hotline for parents to
2 submit complaints about child care providers;

3 (3) Be authorized to revoke the registration of a
4 registered provider for due cause;

5 [(2)] (4) Require providers to be at least eighteen years
6 of age;

7 [(3)] (5) Establish minimum requirements for building and
8 physical premises to include:

9 (a) Compliance with state and local fire, health, and
10 building codes, which shall include the ability to evacuate
11 children in the case of an emergency; and

12 (b) Emergency preparedness and response planning.

13
14 Child care providers shall meet these minimum requirements prior
15 to receiving federal assistance. Where there are no local
16 ordinances or regulations regarding smoke detectors, the
17 department shall require providers, by rule, to install and
18 maintain an adequate number of smoke detectors in the residence
19 or other building where child care is provided;

20 [(4)] (6) Require providers to be tested for tuberculosis
21 on the schedule required for employees in licensed facilities;

22 [(5)] (7) Require providers to notify parents if the
23 provider does not have immediate access to a telephone;

24 [(6)] (8) Make providers aware of local opportunities for
25 training in first aid and child care;

26 (9) Promulgate rules and regulations to define pre-service
27 training requirements for child care providers and employees
28 pursuant to applicable federal laws and regulations;

1 (10) Establish procedures for conducting unscheduled onsite
2 monitoring of child care providers prior to receiving state or
3 federal funds for providing child care services either by direct
4 payment or through reimbursement to a child care beneficiary, and
5 annually thereafter;

6 (11) Require child care providers who receive assistance
7 under applicable federal laws and regulations to report to the
8 department any serious injuries or death of children occurring in
9 child care; and

10 (12) With input from statewide stakeholders such as
11 parents, child care providers or administrators, and system
12 advocate group, establish a transparent system of quality
13 indicators appropriate to the provider setting that shall provide
14 parents with a way to differentiate between child care providers
15 available in their communities as required by federal rules. The
16 system shall describe the standards used to assess the quality of
17 child care providers. The system shall indicate whether the
18 provider meets Missouri's registration or licensing standards, is
19 in compliance with applicable health and safety requirements, and
20 the nature of any violations related to registration or licensing
21 requirements. The system shall also indicate if the provider
22 utilizes curricula and if the provider is in compliance with
23 staff educational requirements. Such system of quality
24 indicators established under this subdivision with the input from
25 stakeholders shall be promulgated by rules. Any rule or portion
26 of a rule, as that term is defined in section 536.010 that is
27 created under the authority delegated in this section shall
28 become effective only if it complies with and is subject to all

1 of the provisions of chapter 536, and, if applicable, section
2 536.028. This section and chapter 536 are nonseverable and if
3 any of the powers vested with the general assembly pursuant to
4 chapter 536, to review, to delay the effective date, or to
5 disapprove and annul a rule are subsequently held
6 unconstitutional, then the grant of rulemaking authority and any
7 rule proposed or adopted after August 28, 2014, shall be invalid
8 and void. This subdivision shall not be construed as authorizing
9 the operation, establishment, maintenance, or mandating or
10 offering of incentives to participate in a quality rating system
11 under section 161.216.

12 2. No state agency shall enforce the provisions of this
13 section until October 1, 2015, or six months after the
14 implementation of federal regulations mandating such provisions,
15 whichever is later.

16 210.211. 1. It shall be unlawful for any person to
17 establish, maintain or operate a child-care facility for
18 children, or to advertise or hold himself or herself out as being
19 able to perform any of the services as defined in section
20 210.201, without having in effect a written license granted by
21 the department of health and senior services; except that nothing
22 in sections 210.203 to 210.245 shall apply to:

23 (1) Any person who is caring for four or fewer children.
24 For purposes of this subdivision, children who are related by
25 blood, marriage or adoption to such person within the third
26 degree shall not be considered in the total number of children
27 being cared for;

28 (2) Any person who has been duly appointed by a court of

1 competent jurisdiction the guardian of the person of the child or
2 children, or the person who has legal custody of the child or
3 children;

4 (3) Any person who receives free of charge, and not as a
5 business, for periods not exceeding ninety consecutive days, as
6 bona fide, occasional and personal guests the child or children
7 of personal friends of such person, and who receives custody of
8 no other unrelated child or children;

9 (4) Any graded boarding school, summer camp, hospital,
10 sanitarium or home which is conducted in good faith primarily to
11 provide education, recreation, medical treatment, or nursing or
12 convalescent care for children;

13 (5) Any child-care facility maintained or operated under
14 the exclusive control of a religious organization. When a
15 nonreligious organization, having as its principal purpose the
16 provision of child-care services, enters into an arrangement with
17 a religious organization for the maintenance or operation of a
18 child-care facility, the facility is not under the exclusive
19 control of the religious organization;

20 (6) Any residential facility or day program licensed by the
21 department of mental health pursuant to sections 630.705 to
22 630.760 which provides care, treatment and habilitation
23 exclusively to children who have a primary diagnosis of mental
24 disorder, mental illness, mental retardation or developmental
25 disability, as defined in section 630.005; and

26 (7) Any nursery school.

27 2. Notwithstanding the provisions of subsection 1 of this
28 section, no child-care facility shall be exempt from licensure if

1 such facility receives any state or federal funds for providing
2 care for children, except for federal funds for those programs
3 which meet the requirements for participation in the Child and
4 Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to
5 parents for child care pursuant to sections 210.201 to 210.257
6 shall not be construed to be funds received by a person or
7 facility listed in subdivisions (1) and (5) of subsection 1 of
8 this section.

9 3. Any child care facility not exempt from licensure shall
10 disclose the licensure status of the facility to the parents or
11 guardians of children for which the facility provides care. No
12 child care facility exempt from licensure shall represent to any
13 parent or guardian of children for which the facility provides
14 care that the facility is licensed when such facility is in fact
15 not licensed.

16 4. Any in-home licensed child care facility that is
17 organized as a corporation, association, firm, partnership,
18 proprietorship, limited liability company, or any other type of
19 business entity in this state shall qualify for the exemption for
20 related children for children who are related to the member of
21 the corporation, association, firm, partnership, proprietorship,
22 limited liability company, or other type of business entity who
23 is responsible for the daily operation of the child care facility
24 and who meets the requirements of the child care provider. If
25 more than one member of the corporation, association, firm,
26 partnership, proprietorship, limited liability company, or other
27 type of business entity is responsible for the daily operation of
28 the child care facility, the exemption for related children shall

1 only be granted for children who are related to one of the
2 members. All child care facilities under this subsection shall
3 disclose the licensure status of the facility to the parents or
4 guardians of children for which the facility provides care. A
5 parent or guardian shall sign a written notice indicating he or
6 she is aware of the licensure status of the facility. The
7 facility shall keep a copy of this signed written notice on file.
8 All child care facilities shall provide the parent or guardian
9 enrolling a child in the facility with a written explanation of
10 the disciplinary philosophy and policies of the child care
11 facility.

12 Section B. The repeal and reenactment of section 210.027
13 shall become effective upon the department of health and senior
14 services providing notice to the revisor of statutes that the
15 implementation of federal regulations mandating such provisions
16 has occurred.

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